

MEMPHIS POLICE DEPARTMENT

OPERATIONAL ASSESSMENT

RECRUITMENT, SELECTION, TRAINING AND PROMOTION



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Introduction

The City of Memphis and the Memphis Police Department have retained the Police Executive Research Forum (PERF) to conduct an assessment of the Memphis Police Department. The intent of the assessment is to assist the Memphis Police Department with recommendations for improvement in operations and/or to implement best practices in policing.

This report focuses on topics related to personnel, specifically, the recruitment and selection of new police officers, and the assignment, promotion, and retention of existing officers. This report is written to specifically address the following questions:

- *Is the department using standards and practices designed to attract the “right” candidates?*
- *What selection processes does the department use to choose the best applicants, and what is the sequence of steps in the selection process?*
- *How does the Department train new recruits?*
- *Does the field training program mesh with the recruit training? How does the department assess the effectiveness of its field training program?*
- *How does the department address career and professional development?*
- *What are the department’s policies and procedures regarding promotion?*
- *How does the department plan for management and leadership succession?*

Each question is addressed in sequence in the report. Each section of the report will contain specific findings. Recommendations for improvement are made where appropriate.

To carry out his project, PERF applied a methodology that included interviews with MPD staff, observation of operations, data analysis and document reviews. In some cases, subject matter experts outside of the Memphis PD were consulted. Secondary interviews and observations were conducted as needed.

This report is second in a group of five reports. The first report is related to staffing and organization structure. Subsequent reports will address the following issues:

- *Community engagement.*
- *Transparency and accountability.*
- *Anti-crime strategies and tactics.*

Together, these five reports comprise the entire assessment.

Recruitment and Selection

In law enforcement agencies, the phrase “recruitment and selection” describes two distinct, yet related activities. Recruitment is the process of identifying qualified persons to apply for a police officer position. Some departments conduct targeted recruitments, designed to persuade persons of a particular race, gender, education level or sexual orientation to apply for a position. One goal of targeted recruitment is to increase overall diversity of the department now and in the future. For example, if the department does not represent the diversity of the community at higher ranks, the solution may begin with recruitment and selection. This section discusses the MPD approach to recruitment.

The other component of this section is in regard to the selection process. Selection consists of the various types of testing, interviews, and background checks conducted to determine if a candidate is qualified to be a police officer. The selection process is not over when a candidate is hired. The selection process continues throughout recruit training, field training, and to the end of the probationary period. Only at the point has the department “selected” an officer for permanent employment. The Memphis Police Department carries out all phases of a normal selection process as they are described above.

The Memphis Police Department posed two questions with regard to recruitment and selection. They are discussed individually next.

Recruitment

The question addressed in this section of the report is:

Is the department using standards and practices designed to attract the “right” candidates?

MPD has recently assumed responsibility for the recruitment and selection process. In February 2009, the responsibility for recruiting and selecting police officers was turned over to the City Human Resources Employment Center by the City Council because of concerns about the objectivity in the police department process. In August 2010 the police department was again given responsibility for conducting the recruitment and selection process. There are ten sworn and two civilian personnel assigned to the recruitment and background investigation unit. Although eight of the sworn personnel are classified as background investigators they also carry out recruitment activities.

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Recruitment tactics are contemporary and meet established industry best practices. They include the use of social media, TV advertisements, and the presence of recruiters at high school and college career events. The scope of recruitment efforts is somewhat limited when compared to some other large departments since Memphis rarely looks for lateral entrants – officers already experienced from other jurisdictions – and limits its recruiting area to within 800 miles of Memphis according to the 2011 Annual Report for the Training Academy. Because of tough economic times some agencies have had success in recruiting officers that have been laid off in other places. Some re-training is necessary, but this may be a good source of experience talent.

Whether current recruiting efforts are meeting the department's needs is determined by the number of qualified applicants the department receives. It was reported that getting qualified applicants without arrests or dishonorable discharges is difficult, and that most wash out during the psychological exam or background investigation. Both are time consuming and expensive processes. Out of 1062 recent applicants, 283 were hired, and 175 graduated from the recruit academy, for a total success rate of 16%. This “success” rate is the same as Austin TX, a similarly sized city, and a number of smaller cities that were consulted. The success rate is appropriate, but can be the result of a rigorous selection process, poor quality applicants, or a combination of both.

The original question posed was whether the City was obtaining the “right” candidates. While the number of successful applicants in Memphis is similar to other cities, the question of whether they are the “right” candidates depends upon how that classification is defined by the MPD. Candidates who meet the Tennessee Police Officer Standards and Training Commission’s POST minimum qualifications are “right” to the extent that they can be certified. The MPD attracts candidates who do not meet minimum state requirements, many that do, and some applicants who exceed these standards. To the extent that MPD requests waivers of POST minimum hiring standards (discussed in the next section of this report) it suggests that the MPD needs to screen out candidates who do not meet POST standards early, and seek out more candidates with higher qualifications than just minimum state standards.

Recruiting in nearby geographical areas may not be providing as many qualified candidates as the department needs. A number of years ago, Metro Nashville recruited for experienced and trained officers in eastern United States communities where police departments had suffered severe personnel cutbacks. They were successful in hiring numerous officers. Expanding the recruitment of experienced officers to urban areas outside of the Memphis area may result in applicants who are more qualified and/or experienced. Hiring experienced officers that only need to complete the Academy’s lateral recruit training program will speed the time it now takes to get an officer on the street, and reduce selection process workload.

Recruitment Findings

MPD standards designed to attract the “right” candidates can be improved. The department has not clearly developed an “ideal candidate” profile upon which to target their recruiting efforts. While contemporary methods for recruitment are used, the reach of these efforts may not be far enough, particularly in regards to recruiting experienced officers. There is a likely link between the qualifications of candidates being recruited and the attrition rates throughout the selection process.

Recruitment Recommendations

- *The MPD should clearly define what the characteristics of an ideal candidate are, and use that definition to target their recruiting efforts.*
- *The MPD should consider expanding their recruiting efforts to target experienced and diverse officers.*

Selection

The question addressed in this section of the report is:

What selection processes does the department use to choose the best applicants, and what is the sequence of steps in the selection process?

The selection process consists of the various types of testing, interviews, and background checks conducted to determine if a candidate is qualified to be a police officer. The selection process is not over when a candidate is hired. The selection process continues throughout recruit training, field training, and to the end of the probationary period. Only at the point has the department “selected” an officer for permanent employment. The Memphis Police Department carries out all phases of a normal selection process as they are described above.

The MPD selection process consists of a series of steps that will result in a determine whether an applicant is hired as a Memphis police officer. The steps are discussed below.

Application and Written Documentation

The MPD runs a continuous recruitment process. The first step is for the applicant to complete an application and provide documentation to prove that he/she meets the minimum job qualifications as established by the MPD and the Tennessee Police Officers Standards and

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Training (POST) Commission. Tennessee Statute 1110 establishes the standards, and is provided below

1110-2-03 LAW ENFORCEMENT OFFICER CERTIFICATION REQUIREMENTS.

All full-time commissioned law enforcement officers employed by an agency required to meet minimum standards must meet pre-employment requirements and, upon completion of the required basic training, will be issued a POST Certification.

(1) Full-time Commissioned Law Enforcement Officer Pre-employment Requirements. The Commission shall issue a certificate of compliance to any person who meets the Qualifications for employment and satisfactorily completes a POST certified Basic Law Enforcement Training Academy. All persons employed as a full-time law enforcement officer, as of June 2011, must be certified by POST and shall comply with the following pre-employment requirements:

- (a) Be at least eighteen (18) years of age;
- (b) Be a citizen of the United States;
- (c) Be a high school graduate or possess equivalence. No waivers will be granted for minimum education requirements;
- (d) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances.

Upon the completion of the application and production of documents, the applicant meets with a background investigator to verify his/her documentation. In cases where an applicant does not meet the minimum POST qualifications, the Department may request a waiver of the requirements from the POST Commission.

The MPD also accepts lateral transfers from other police departments if they have three years of experience. Lateral appointees are subject to a different screening and training process that is not as time consuming.

Written Examination

The MPD offers the two written exams monthly – the Work Readiness Adaptive Profile (WRAP) and the Adult Basic Learning Exam (ABLE). The examinations are designed to test at the 8th grade level. Applicants who do not pass the examinations do not continue in the selection process.

Recruitment staff indicated that the exams were first used by the Department in the 1990s and have not been updated.

Physical Ability Test

Those applicants that pass the written examination then take a physical ability test (PAT). The Academy staff is in the process of changing this examination to what is generally considered a physical *agility* test. Physical agility tests are generally considered more defensible against claims of discrimination based on gender. The physical agility test is used for the purposes of selection and is designed to ensure that those entering the academy are in sufficient physical condition to complete the physical fitness standard required to graduate from the academy. This testing phase is also conducted on a pass/fail basis.

Background Investigation

A comprehensive background investigation of each candidate is conducted by the Background Unit. The purpose of the background investigation is to verify the accuracy of the applicant's documentation, and determine whether other information exists that would reflect on the applicant's ability and qualifications to be a police officer. These investigations include, but are not limited to:

- Eight different database searches, including the Interstate Identification Index (Triple I), where identity is verified through fingerprints.
- For Memphis area applicants, requests for arrest and criminal history information are faxed to nearby states (Arkansas and Mississippi) and to such surrounding cities as Germantown, Bartlett, Millington, and Collierville. Checks of Juvenile Court records are also made for local applicants.
- Records of out-of-area applicants are checked through the applicant's listed state, city and county law enforcement agencies. If any arrest is uncovered, MPD will fax an information request to that agency's Court of Records for a disposition.
- For applicants that list Military service, MPD faxes that branch of service requesting military records and disciplinary records if applicable.
- For applicants that list previous law enforcement experience, investigators check with that agency's internal affairs unit to determine if there are any disciplinary records.
- Investigators check and verify employment history.
- MPD calls and verifies personal references.
- Investigators verify college hours and high school or GED equivalent information.

Investigators do not contact neighbors or travel out of town for interviews.

A background investigator can reject an application at the point where the application packet is turned in if the number of traffic violations exceeds the acceptable limit. The applicant is given a rejection letter at that point. The rest of the information is presented to the Background Review

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Board for approval or rejection. This Board is composed of the training commander, the supervisor of the background investigators, an additional training academy supervisor, the City's Human Resources Employment Manager and Employment Supervisor, the MPD HR supervisor, and the City/MPD HR liaison.

Psychological Examination

Those approved by the Background Review Board receive a contingent offer of employment. If this offer is accepted a candidate takes the Minnesota Multiphasic Personality Inventory®-2 (MMPI®-2) and is then interviewed by the MPD staff psychologists. The MMPI-2 is one of the most common examinations used for police entry-level testing. If the results of this examination are problematic, the contingent offer of employment can be withdrawn.

Selection Process Attrition

The various testing steps in the selection process result in an incremental reduction in the number of applicants. The rate at which applicants are excluded from the process is related to factors including the quality of the applicants available to the department, internal standards for success through the process and the rigor of the selection process that the department has established. During the most recent recruitment periods 477 background investigations took place resulting in the hiring of some 280 applicants.

The attrition rate for a large police agency selection process will vary. Each of the factors involved may differ among departments and the cumulative effect may also vary. Therefore it is difficult to assess whether the Memphis process is typical with regard to attrition.

POST Waivers

The Tennessee POST Commission has a procedure that allows departments to request a waiver of POST minimum requirements for certification. The statutory criteria for a waiver are described below.

1. The commission may consider a waiver from pre-employment requirements for a person who has been convicted of, or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor and other alcoholic beverages or controlled substances when the offense was classed as a misdemeanor.
2. No waiver shall be granted while officer is under the jurisdiction of the court or considered on probation, whether supervised or unsupervised, and in the case of "driving while intoxicated" the officer shall have met all the requirements of the Tennessee Department of Safety and have been restored his/her permanent driving privileges under the laws of the State of Tennessee.
3. No waiver will be granted for a narcotics violation that could result in a felony charge.

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4. The agency must present a written request for waiver for these charges and provide a copy of the final court disposition of the case.
5. No waiver will be granted for mental disorders.

Since 2001, the Memphis Police Department has requested 59 waivers from these standards, 15 in the last three years. Only two requests were not granted. Some waiver requests were based on candidates who had committed minor infractions while they were juveniles, or had uncharacterized discharges from the military. Other waivers were requested for police officer candidates who had been convicted of more serious offenses.

It is difficult to compare the rate of certification waiver requests to similarly sized departments. Tennessee requirements are state specific, so there are no direct comparables. The second and third largest cities in Tennessee - Nashville and Knoxville¹ - have fewer waiver requests. Since 2001, Metro Nashville requested 12 waivers and Knoxville has requested four.

Selection Process Findings

The selection process used by the MPD uses industry standard procedures; however there are a number of areas that can be improved. First, one weak link in the processes may be the written examination. Academy staff has recognized the need to conduct research and potentially replace the written examination. A written examination that can better discern between qualified candidates and those who are not qualified will relieve workload pressure on the background investigations.

Second, the need to request waivers from POST requirements suggests weakness in both the recruitment and selection process. The integrity of an officer with a criminal history may later be called in to question in relation to his/her performance as a police officer. Even though the POST Commission has granted a waiver, the Department may be creating an unnecessary concern when there are sufficient candidates that do not need waivers.

Third, the majority of MPD background interviews are conducted via telephone, primarily due to cost and proximity. In- person interviews have been proven to be more effective. Neighborhood checks conducted in some departments are very valuable.

Finally, the requirement that applicants can only be screened out by a review board may delay the process. Although the review board is designed to prevent claims that candidates were

¹ Admittedly these are substantially smaller departments. Nashville has 1300 commissioned officers Knoxville has 416. The differences between the waiver request rates are affected by the size of the departments, the number of officers they need to recruit, and their ability to attract applicants that do not require waivers

treated unfairly, the review board can issue structured guidelines that will allow others to disqualify an applicant earlier in the process.

Selection Process Recommendations

- *The MPD should replace the current entry level examination with an exam that has been recently validated for measuring attributes that predict success as a police officer.*
- *The MPD should adopt a policy of excluding applicants who do not meet POST requirements, except when there extraordinary circumstances².*
- *The MPD should identify high priority background investigation interviews and strive to do those interviews in person.*
- *MPD should give background investigators guidelines and a broader range of discretion in eliminating candidates from the selection process*

Recruit Training

The question addressed in this section of the report is:

How does the Department train new recruits?

Basic recruit training consists of 840 hours of training that focuses on the enhancement of knowledge, skills, and proficiency in firearms, tactical and behavioral law enforcement theories necessary for the appointment to a commissioned status. In 2011, 269 recruits entered the police academy. Class size ranged from as high of 121 to a low of 32. 175 recruits were graduated, for an average attrition rate of 35%. The high attrition rate can be viewed as both a positive and a negative. First, attrition during recruit training may be good as it reflects on the rigor of the training and the ability to identify recruits who are not qualified to continue. In the alternative, the high attrition rate may be related to class size. As an example, the 112th session of the recruit academy had the highest number of students (121) and the highest attrition rate (45%). It is well recognized that smaller class sizes in any educational environment improves student performance. Class sizes can be reduced by more sessions some of which may overlap.

2 Uncharacterized discharges from the military may have resulted from benign circumstances, and those reasons should be evaluated when seeking waivers.

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Another consideration with regard to the attrition may be a function of the selection process. The process may be producing too many recruits that do not have the characteristics needed to succeed in the academy.

The Tennessee POST Commission requires a minimum of 480 hours of training, which the MPD exceeds in its basic academy. However, the number of hours dedicated to recruit training is lower than it is in three cities of comparable size. The number of entry level training hours provided in Boston is 1040 hours, Seattle's is approximately 1000 hours, and Austin, TX is 1480 hours.

The Academy curriculum is derived from a number of sources. The curriculum for both recruit and in-service training is primarily developed in-house, with input from the department's command staff. The curriculum is also based on POST standards, historical training needs and emerging trends and/or needs. There are committees that meet and discuss curriculum changes when necessary. The recruit training committee is comprised of Academy staff.

The academy conducts two weeks of practicum (simulations) incorporating scenarios related to various types of calls. The simulations are designed to test the student's knowledge and proficiency in areas that are taught in the classroom.

Proportionately, the majority of recruit training hours are dedicated to tactical competencies such as firearms, defensive tactics, physical training and emergency vehicle operation. Of the 840 hour course, over 300 hours are dedicated to these topics. The amount of time dedicated to these topics is not unusual. They are high-liability, high-risk competencies that require a significant amount of training. National entry level training research over a decade ago called for increased training in these areas.

The Academy also conducts two regional-lateral training sessions per calendar year. This 480-hour training program provides other Tennessee law enforcement agencies that do not have their own academy with a fully comprehensive and Peace Officer Standards and Training (POST) certified training alternative for their newly employed officers. The MPD also uses this training venue to train officers with prior police experience as lateral recruits. This accelerated training helps to get qualified and experienced officers on patrol faster than the 840 hour MPD basic course. In 2011 the MPD ran two lateral academies, one with 6 students and the other with 8. While these are very small groups, the retention rate was 79%. In the recruitment section of this report there was a recommendation that the MPD more actively recruit experienced officers. If successful, that approach reduces workload in all stages of the selection process, and would seem to improve training outcomes.

Recruit Training Findings

The recruit training program conforms to accepted industry standards. Training outcomes may be adversely impacted by the number of recruits trained at one time, the hours of training provided, and the limited time available to teach non-tactical subjects. In the alternative, while there are gaps in the entry level training curriculum, those gaps may have more to do with MPD's expectations of patrol officers than training shortcomings. For example, the importance of patrol officers conducting preliminary investigations in Memphis may be less than in other departments. A review of the recruit training curriculum shows that there is one hour of training dedicated to preliminary investigations, yet ten hours are dedicated to radio procedures.

Recruit Training Recommendation

- *The MPD should increase the number of recruit academy hours to be more in line with comparable police departments.*
- *The MPD should evaluate the discretionary curriculum to make sure that training efforts are consistent with department needs.*
- *The MPD should reduce the class size in the Recruit Academy to a target of 35 students.*
- *The MPD should adopt a standardized instructional design methodology and apply it to all training initiatives.*

Field Training

The question addressed in this section of the report is:

Does the field training program mesh with the recruit training? How does the department assess the effectiveness of its field training program?

The Field Training Program (FTO) is an extension of the basic academy. Academy graduates are assigned to work in the field with specially trained Field Training Officers (FTOs). The MPD academy has adopted a field training protocol based on the San Jose model, commonly used by large agencies across the country.

The FTOs are selected through an internal process that includes application, performance and discipline records review and an interview by the FTO review board. The process is selective. 62 officers applied to be FTOs in 2011, but only 23 were accepted. The field training officers are trained internally in two areas. The first is a basic FTO curriculum that teaches FTO goals,

objectives, training techniques, and process management. In the second area, all FTOs receive instructor development training

Each trainee is rotated among field training officers for four 28 day phases. The first and last phases are typically with the same FTO. The trainee is rotated between shifts at the same station, unless there are no FTO's available at that station on a shift. In that event the trainee may be assigned to an FTO at a station within the same district.

Recruits are assessed through a series of "Daily Observation Reports". These evaluations are structured in a way that assures that each trainee is observed satisfactorily carrying out skills and demonstrating knowledge of all of the competencies required of a police officer. At the end of the FTO program, new officers continue training in the field until the end of their probationary period. During 2011, the academy monitored 329 probationary employees.³

The field training program is fully integrated with the recruit training process. Academy staff manage the FTO program, and the Lt. Colonel reviews all of the daily observation reports. Officers having difficulty in the FTO program are identified quickly and may be brought back to the academy for remedial training.

The academy measures the success of the field training program in three ways. First is the extent to which the program trains officers to a level of competency where they can function in the field by themselves. Second is the extent to which the program can identify and remove officers from the department who will not be able to reach a desired level of competency. The final measure of success is by identifying the number of officers who are found to be deficient in the field, but are later successful after remedial training. The field training staff monitors all of these areas and makes adjustments to the program when necessary.

Field Training Findings

The MPD field training program is well designed and well managed. It is highly integrated with the Academy. The program is assessed continuously. The Field Training Program follows a nationally recognized approach.

³ All were not in the FTO program but were still on probation. Some completed the recruit academy in 2010.

Career and Professional Development

For the purposes of this section, in-service and specialized training are discussed as part of a comprehensive career and professional development program. The question addressed in this section of the report is:

How does the department address career and professional development?

There are a number of career and professional development opportunities in the Memphis Police Department. Pursuing a higher level of education is both funded through a tuition reimbursement program and rewarded through an educational pay incentive of up to 7.5% of salary. Alternate assignments may be available during patrol days, and specialized training is available. Article 51 of the agreement between the Memphis Police Association and the City of Memphis agree that they are jointly committed to career and professional development.

The bidding system for Sergeants creates an opportunity for career development within a particular policing specialty. If an officer wishes to pursue a career track in specialty areas such as investigations or special operations, that opportunity may be available to them, depending upon their bidding position.

While career development opportunities exist, a formal, systematic career development program does not. Such a program would assist the MPD in developing future leaders, managers, and supervisors.

In-Service Training

The MPD Academy provides a 40-hour annual in-service training curriculum to all commissioned officers. The number of in-service training hours meets and exceeds⁴ state law that requires the annual re-certification of peace officers. In addition, the Academy provides eight hours of supplemental firearms training for all commissioned police personnel.

The curriculum for in-service training is determined by academy staff members who work with command personnel to determine current training needs. Training may include familiarization courses about special units in the police department. There is a 40 hour in-service training sessions in progress for 45 weeks out of the year.

⁴ Tennessee POST requires 28 hours of annual in-service training.

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Since the in-service training curriculum is fixed, officers cannot make training choices in areas that might enhance their career and professional development. Some departments create in-service training options. For instance, officers would complete a core curriculum mandated by the department (or POST), then have a number of elective hours available to them so that they can receive training in a specific area they are interested in. Sometimes the blocks of instruction can be as short as two hours. Some departments that have implemented this kind of training program run programs 24 hours per day, attempting to train officers while they are on duty.

Specialized Training

The MPD Academy provided specialized training to 1,486 officers in 33 different training sessions in 2011. The topics were wide ranging in nature, and many were related to operational matters such as radar training or police mountain bike training.

Training bulletins are distributed announcing specialized training opportunities which include the number of slots allocated to each station. A list of officers selected from each station is forwarded to the academy by the station training coordinator, in order of preference. The academy then sends out a list of approved officers for each course. If the number of officers exceeds the number of slots available, additional officers are placed on a waiting list in case of cancellations

Management, supervisory, and other topics related to growth and personal development of officers are largely absent from the specialized training offerings. Only two courses listed in the Academy's 2011 Annual Report were related to management and supervisory training. While some of the courses may enhance career development, offerings are limited if a police officer wishes to acquire supervisory, management, or specialized skills.

Movement between ranks and assignments is also part of career development. The Academy's Annual Report lists one transition training session that was conducted in 2011 for ten police officers transferring from the organized crime unit to uniform patrol. There are other important promotional steps taken in the MPD that require additional training. After promotional processes for the ranks of Sergeant and Lieutenant, the Academy conducts developmental training for each rank prior to the officer reporting to his/her new assignment.

The Academy makes specialized training available to other agencies, and 79 different agencies with a total of 652 students participated in 2011. While it is likely that MPD personnel attended training outside of the Academy, those figures were not available in the annual report.

Career and Professional Development Findings

Career and professional development in the MPD has not been developed in a systematic way. The MPD Academy offers a large number of specialized courses, both internally and externally. The course offerings are largely operational subjects, and do not contribute to a more diverse career development program. Training to help officers proceed along chosen career paths does not exist; however, critical training for officers promoted to the ranks of Sergeant and Lieutenant is provided. Additionally the department has recently started to provide training to help those who want to be promoted better prepare themselves for the promotional testing process.

Career and Professional Development Recommendations

- *The MPD should define logical career paths in the department, and make systematic career counseling and training available to assist officers in advancing their careers.*
- *The MPD should develop specialized training programs to support a systematic career development program.*
- *The MPD should provide more management/supervisory specialized training to MPD officers to balance current operational offerings.*
- *The MPD should incorporate career development opportunities in their in-service training program.*

Rank Structure – First Line Supervisor

First line supervisors in patrol and investigations hold the rank of Lieutenant. Traffic and criminal investigators hold the rank of Sergeant. Historically, officers holding the rank of Sergeant in patrol had supervisory responsibility yet they were in the same union as patrol officers⁵. In 1978 police in Memphis went on strike. Sergeants walked out with the police officers. Since then department and city officials have been opposed to having police supervisors in the officer union. The sergeant rank was allotted for detectives and for officers in a few other specialized assignments. Since the lieutenant rank was not covered by the union agreement it was allotted for first line supervisors.

Patrol officers are not allowed to seek direct promotion to lieutenant, the position that directly supervises them. They must first seek promotion to the rank of Sergeant. Traditionally, the title

⁵ It is a common practice for first line supervisors, generally holding the rank of Sergeant, to be in the same union with the patrol officers. This is not an ideal situation, and some departments have a separate supervisory bargaining unit.

“sergeant” is used to denote first line supervisors in many police departments, but there are variations. Under the current MPD system sergeants do not have formal supervisory responsibility. Sergeants’ positions only exist in traffic, investigations, and special operations.

In Memphis, a patrol officer aspiring to become a patrol supervisor must first detour to investigations, traffic or special operations. For some this may not be a good fit. Additionally, five years of continuous service as a patrol officer are required to be eligible for the sergeants’ promotional process and two years of service as a sergeant are required to qualify for the lieutenants’ promotional process. Therefore seven years are required before an officer can become a first line supervisor in Memphis. In comparable departments patrol officers may seek promotion to the first line supervisory position after three to five years. The Memphis system slows the progress of officers who may have good supervisory and leadership skills and want a career in patrol but who have little interest in becoming a detective.

One benefit to the current system is that patrol supervisors should have a solid grasp of the need for good preliminary crime reports and thus encourage patrol officers to produce them. On the minus side is that those newly promoted to patrol supervisory have at least two years away from the street. Often, their absence is even longer.

First-line supervisors should be team leaders, coaches, and subject matter experts. Some argue that the first-line supervisors may have more influence over the operational environment of a police department than anyone else in the organization. Those holding the rank of Lieutenant in Memphis have that responsibility now.

First Line Supervisor Rank Recommendations

- *The MPD should create a system whereby patrol officers can compete directly for the first line supervisor position, lieutenant.*

Implementation of this recommendation will allow the department to establish two career tracks, one for those officers who want a career in patrol or management, another for those that are interested in the specialty assignments of traffic, special operations or investigations.

The current rank structure would remain with lieutenants continuing as first line supervisors. Pay rates would remain as they are. First line supervisors (lieutenants) would remain outside the officers/sergeants labor group.

- After five years with continuous service officers could apply to enter either the sergeants’ or lieutenants’ promotional process.

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- The sergeants' process should be reviewed to ensure that its primary stress is on measuring the potential to be a good criminal investigator (with some sections designed to test skills for traffic or special operations.)
- The lieutenants' process should be reviewed to ensure that its primary stress is on measuring the potential to be a good first line supervisor.
- In order to recoup the training investment the department makes in newly appointed sergeants, a sergeant should be required to spend two years in that assignment before being able to enter the lieutenants' process.

Promotions

The question addressed in this section of the report is:

What are the department's policies and procedures regarding promotion?

Promoting police officers to higher ranking positions fulfills a number of organizational and personnel needs. Through the promotional process, vacancies in supervisory and management positions are filled, assuring the continuity of the organization through succession planning. For officers, the possibility of promotion is a career development opportunity, allowing those aspiring to promotion an opportunity for new duties and higher compensation.

The most common complaint regarding promotions in police departments generally is the "fairness" of the process used to select those promoted. Promotional processes may be challenged from the standpoint of minimum requirements for promotion, testing instruments used, the application of special points, discrimination and how the determination to promote someone off of an eligible list is made. In the Memphis Police Department, the various promotional processes in the department are regulated through various agreements and rules, depending upon whether employees are represented, or if they fall under civil service regulations.

Historical Perspective

Historically, the Police Department's promotional process has been the subject of litigation, including a reverse discrimination law suit filed by Lieutenants seeking promotion to Major. That litigation began in 2006. Forty police department plaintiffs prevailed and were awarded back pay. During that time, Lieutenants could not take the test for the promotion to the rank of Major. This case, along with other disputes, have slowed, and at certain points, stopped the promotional process in the Memphis Police Department. One result of this history of litigation

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was that some management and command positions were left vacant. The department did not have enough supervisors during that time, and had to implement procedures to work around the lack of supervisors

Another outcome created by delays in the promotional system was that there were few opportunities for police officers to further their careers. It was reported that some officers had delays over ten years before having an opportunity to compete for a promotion.

In 2007 a consulting firm⁶ was hired by the City for the purposes of “fixing” the promotional system and reducing barriers to promotion that faced women and minorities. Working over a two year period, the consultant redesigned promotional procedures. The procedures created then are still in place.

The Director of the MPD, in consultation with the Mayor and City Council, initiates a promotional process. The City Human Resources Department then posts a notice of promotion availability. Promotion to the ranks of Sergeant and Lieutenant are governed by the City’s agreement with the Police Officer’s Association. Promotions to the ranks of Major and Lieutenant Colonel are governed by the civil service system. Colonels and Deputy Chiefs are direct appointments of the Director.

Testing for promotion is conducted by the City Human Resources Department. Upon the completion of testing the promotions are made in accordance with various agreements and regulations.

A decision by city government to fill vacant ranking positions has not always been timely, allowing management and supervisory position to remain empty for an extended period of time. These vacancies limit the capability of the department to maintain normal operations. When promotions are made, the number of persons promoted at one time may be so large that it makes it difficult to transition and train all those newly promoted.

Promotions to the Rank of Sergeant and Lieutenant

The current agreement between the City of Memphis and the Memphis Police Association governs the majority of the criteria for the promotional process for the ranks of Sergeant and

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Lieutenant. The testing process consists of a written exam, a practical application exercise exam, and the application of seniority points.

Minimum Qualifications

To compete for the position of Sergeant an officer must have served five years in the MPD. To compete for the rank of Lieutenant an officer must have two years of experience as a Sergeant.

Written Examination

Written examinations are used to evaluate candidates for the positions of both Sergeants and Lieutenants. The respective tests are designed to measure different skills, knowledge and abilities.

Because the great majority of newly promoted Sergeants are assigned as investigators, the sergeants' examination is designed to assess basic investigative skills. Other elements include report writing capabilities, computer and records management system (RMS) use and personality traits. The measures used in the Sergeant examination are somewhat generic because there are some non-investigative positions a new Sergeant might fill. Because of the bid system, some veteran sergeants may choose to move to vacant investigative positions thereby leaving non-investigative positions vacant to be filled by newly promoted sergeants.

In the MPD lieutenants are first line supervisors. Therefore the lieutenants' examination is designed to assess the candidate's knowledge of policies and procedures and to evaluate their supervisory skills.

The promotional examination process was redesigned by Fields Consulting Group, beginning in 2007. While the tests were redesigned, the preparation process for applicants was also enhanced. In the case of both Lieutenants' and Sergeants' examinations, training was provided related to the competencies the tests were designed to measure. The purpose of the training was to reduce potential adverse impact on women and minorities.

There are diverse views of the impact of the written exam. Some believe that the test does not accurately distinguish between qualified candidates and those that are not qualified. Others believe that the testing process and preparations preceding it have trained officers, subsequently improving their ability to serve in a promoted position.

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Promotional processes in many police departments are controversial, and it is likely because of the past that promotions will continue to be controversial in Memphis. Recent changes, however, should reduce the history of litigation in the department.

Practical Application Exercise

At the conclusion of the written examination, some⁷ of the applicants continue in the promotional process and participate in a Practical Application Exercise. The Practical Application Exercise is essentially an assessment center. The candidates are video taped while carrying out different exercises and their performance in the exercises is later evaluated and scored by off-site assessors. The scores are combined with the written test scores.

Seniority Points

At the last stage of the promotional testing, seniority points are applied based on the requirements of the agreement between the Memphis Police Officer's Association and the City. Promotions are then made based on the rank order of candidates as established by their scores in the components of the promotional process.

Promotions to the Rank of Major and Lt. Colonel

Promotions to the rank of Major and Lt. Colonel are governed by the City's Civil Service System, and the promotional process is administered by the City's Human Resources Department. Like the Sergeant and Lieutenant's promotional system, this process was also developed by Field's Consulting and is similar to the Sergeant and Lieutenant exam in many ways.

Eligibility

Lieutenants with a minimum of nine years of continuous service as a full-time commissioned Memphis Police Officer and at least two years of continuous service in the rank of Lieutenant are able to compete in the police major promotional process. For promotion to the rank of Lieutenant Colonel, additional time on the department and time holding the rank of Major is required.

⁷ The formula for determining how many applicants participate in the practical application exercise is dictated by the Agreement between the Memphis Police Association and the City

Application

Candidates must submit an application for promotion and sign up for the process in person, where the applicants' identity is verified.

Advanced Training

As with lower level promotions, those desiring promotion to Major and Lt. Colonel are provided with training that will assist them during the selection process. Again, the intent is to provide all candidates with a common baseline.

Practice Test/Exercise

A practice examination is administered to help the candidates better prepare. It is primarily an introduction to an in-basket exercise, which is one core aspects of the actual examination.

Practical Application Exercise

This exercise is the only examination used in the promotional process, and can best be described as a modified assessment center. Candidates complete an in-box exercise and are video taped while carrying out different exercises and participating in scenarios. Their performance in the exercises is later evaluated and scored by off-site assessors.

After completion of the practical application exercise the scores are compiled and seniority points are added to form an eligibility list. The Director then promotes off of the eligibility list in numerical order. Prior to this process beginning, the department will have announced how many positions they anticipate will be available for promotion. The length of time the list remains active varies, based on the needs of the department.

Although similar, the main difference between this process and the one designed for Sergeants and Lieutenants is the absence of a pencil and paper examination, and more reliance on assessment center exercises for promotion to the rank of Major and Lt. Colonel.

Promotions Findings

The promotional system in the Memphis Police Department has long been the subject of litigation and controversy. Efforts to revise the promotional process are said to have reduced adverse impact on woman and minorities. All examinations have been recently validated and are viewed by the department as defensible.

The speed at which the promotional system moves has been sluggish because of litigation and the need for City Council approval for every promotional process, even though the Council maintains a redundant staffing authority through the budget process. The result has been positions going vacant, and subsequently, the need to promote a large number of officers at one time. Promoting large numbers of officers at the same time can be disruptive to the organization. An eligibility list or “as-needed” system will result in limited vacancies in specialist and supervisory ranks, and incremental transitioning and training of newly promoted officers.

Most movement (promotion or assignment) of represented employees in the MPD is heavily influenced by seniority. Seniority points are applied in the promotional process, but there is no recognition for advanced education. Since the City offers officers educational expense reimbursement and incentive pay for higher education, the opportunity for higher education is available to most officers.

Changes in the supervisory career path in the MPD were suggested earlier, and if implemented, the promotional system for sergeant and lieutenant will need to be reviewed to ensure that the appropriate skills and knowledge are measured.

Promotion Recommendations

- *The Memphis Police Department should be allowed to make promotions to authorized positions without City Council approval.*
- *The MPD, consulting with the Memphis Police Officer Association, should establish an eligibility list and promote from that list on an “as needed” basis.*
- *In addition to seniority points, educational points should be added to the promotion formula.*

Management and Leadership Succession

The question addressed in this section of the report is:

How does the department plan for management and leadership succession?

The Memphis Police Department has no formal management and leadership succession plan in place. However, the department now offers training prior to the promotional process for each rank.

Management and Leadership Succession Recommendation

- *The Memphis Police Department should create formal plans for management and leadership succession.*

Such plans may take a number of approaches. The MPD can create partnerships with local colleges and universities to develop programs and training seminars that focus on leadership and management skills. This could take the form of a sequence of courses that are designed to emphasize policing strategies; enhance management and leadership skills, demonstrate techniques for program and project evaluation, discuss best practices in community-police relations, and deal with ethical issues in policing. Learning activities could include scenario presentations, case study and research papers rather than traditional stand-up lectures. Such courses could be designed so that sessions occur periodically over several months with the possibility of college credit.

Another facet of management and succession planning could include providing opportunities for attendance at management development courses such as the FBI's Law Enforcement Executive Program and the National Academy; the Southern Police Institute (SPI), and the Police Executive Research Forum's Senior Management Institute for Police (SMIP).